

**REMARKS:**

**I. AMENDMENTS**

The claims are amended as indicated in the preceding pages. These amendments are made for purposes of clarity. No new matter is added.

Claims 4, 7, 66, 73, 79, 80, 90, 96 and 97 are canceled herein without prejudice or disclaimer. Claims 1, 5, 8-13, 15-18, 20-31, 33-62 and 98-113 were previously canceled without prejudice or disclaimer. Claims 114-141 are newly added. No new matter is added.

Non-limiting examples of support are identified below for newly added claims 114-141. The subject matter recited in claims 114, 121, 130 and 136 is similar to that previously recited in claim 3. The subject matter recited in claims 115, 119, 122, 125, 131, 134, 137 and 140 is similar to that recited in claim 63. Support for the subject matter recited in claims 116, 118, 124, 128, 133 and 139 can be found in the specification at least at page 30, line 25 – page 31, line 17. The subject matter recited in claims 117, 123, 127, 132 and 138 is similar to that recited in claim 2. The subject matter recited in claims 120 and 129 is similar to that recited in claim 3. The subject matter recited in claim 126 is similar to that previously recited in claim 3 and the subject matter recited in claim 63. Support for the subject matter recited in claim 135 can be found in the specification at least at page 35, line 30 – page 36, line 13. Support for the subject matter recited in claim 141 can be found in the specification at least at page 35, line 30 – page 36, line 13 and, furthermore, is similar to the subject matter previously recited in claim 3 and the subject matter recited in claim 63.

In view of the above-noted claim amendments, claims 2, 3, 6, 14, 19, 32, 63-65, 67-72, 74-78, 81-89, 91-95 and 114-141 are currently pending with claims 14, 19, 32, 75, 81, 85 and 92 being independent claims. It is believed that no claim fees are due at this time owing to the cancellation of claims during prosecution of this application. That is, it is believed that the highest number of claims previously paid for was 62 total claims (i.e., 42 extra) with 24

independent claims (i.e., 21 extra), paid for at the time of national entry of the instant application. As amended herein, there are 62 total claims currently pending with 7 independent claims.

## II. CLAIM OBJECTIONS

The Examiner objected to claims 4 and 91 due to various informalities. *See p. 3 of the Office Action.* It is believed that the amendments to these claims should address the Examiner's concerns.

## III. CLAIM REJECTIONS

The Examiner rejected claims 2, 7, 14, 32, 64, 67, 68, 70, 71, 73, 85, 87, 88 and 90 under 35 U.S.C. §102(b) as being anticipated by *Proctor et al.* (U.S. Patent No. 5,519,779, referred to herein as "*Proctor*"). *See pp. 3-5 of the Office Action.* The Examiner rejected claims 6 and 66 under 35 U.S.C. §103(a) as being unpatentable over *Proctor* in view of *Jacobs et al.* (U.S. Patent No. 5,414,796, referred to herein as "*Jacobs*"). *See pp. 6-7 of the Office Action.* The Examiner rejected claims 63, 69, 74, 86 and 91 under 35 U.S.C. §103(a) as being unpatentable over *Proctor* in view of *El-Maleh* (U.S. Patent Application Publication No. 2002/0101844). *See pp. 7-8 of the Office Action.* The Examiner rejected claims 3, 73 and 89 under 35 U.S.C. §103(a) as being unpatentable over *Proctor* in view of *El-Maleh* and further in view of *Garg* ("IS-95 CDMA and cdma2000," Prentice Hall, 2000). *See pp. 8-10 of the Office Action.* The Examiner rejected claims 4, 19, 65, 75-81, 83, 84 and 92-97 under 35 U.S.C. §103(a) as being unpatentable over *Proctor* in view of *El-Maleh* and further in view of *Jacobs*. *See pp. 10-18 of the Office Action.* These rejections are respectfully disagreed with and are traversed below.

*Proctor* discloses inserting signaling (102) into a communication channel of a communication system if the communication channel has sufficient available bandwidth (104). If the communication channel does not have sufficient available bandwidth, the bandwidth of information being communicated on the communication channel is reduced (106) and the signaling is inserted into the communication channel (108) with reduced information bandwidth.

*See Abstract and FIG. 2.* As noted at col. 5, lines 1-8, the above-noted operations preserve a portion of the information bandwidth (e.g., encoded speech) and, allegedly, enhance audio quality by reducing encoder/decoder divergence.

In accordance with the disclosure of *Proctor*, some of the parameters are decimated in order to reduce the data rate. *See col. 6, lines 1-67.* It should be noted that *Proctor* does not disclose or suggest that these decimated parameters be regenerated prior to providing the parameters to a decoder. That is, the parameters that are lost by *Proctor* when re-quantizing from full-rate to half-rate are never recovered or replaced. The conversion is one-way and is not intended to be undone at a later time. This fits with the purpose disclosed by *Proctor*, for creating room to insert the signaling. In accordance with *Proctor*, there would be no need to replace the lost parameters. As such, *Proctor* is fundamentally different from exemplary embodiments of the instant invention wherein the dropped signal coding parameters are regenerated prior to decoding of the frame in question.

It is further noted that since *Proctor* does not disclose or suggest regenerating the dropped parameters prior to decoding, *Proctor* also does not disclose or suggest inserting information (e.g., an identification, a class info parameter) to indicate that the parameters were dropped (e.g., indicating a particular communication mode of the frame in question, indicating a particular communication mode that involves dropping the portion of the signal-coding parameters).

That is, *Proctor* does not disclose or suggest "inserting information into the frame, wherein the information indicates that the frame is encoded in accordance with a particular communication mode that involves dropping the portion of the signal-coding parameters," as recited in claim 14.

It is noted that this element of claim 14 may be seen generally to correspond to subject matter that was previously recited in claim 7, and, further, that the Examiner cited *Proctor* at FIG. 2 as allegedly disclosing the insertion of signaling.

FIG. 2 of *Proctor* includes a decision step 102 for "insert signaling" and a step 108 for "insert

signalling." As explained by *Proctor* at col. 5, ll. 9-32, step 102 inquires whether or not there is signaling to be inserted. If there is none ("no" at step 102), the base station 16 simply retransmits the traffic frames. If there is signaling to be inserted ("yes" at step 102), the frame rate reducer 40 determines if there is sufficient information bandwidth available in the traffic frame to insert the signaling (step 104). If there is insufficient information bandwidth available in the traffic frames ("no" at step 104), the frame rate reducer 40 reduces the information bandwidth of the traffic frames (step 106), as further disclosed by *Proctor*. Subsequently, the signaling is inserted (step 108).

Based on the above description and the disclosure of *Proctor*, it is clear that the step 108 ("insert signalling") refers to the insertion of actual signaling data and not to any indication or information regarding a particular communication mode of the frame. As such, *Proctor* clearly does not disclose or suggest at least the inserting step recited in claim 14.

The features recited in claim 14 are not disclosed or suggested in the cited art. *Proctor* cannot be seen to anticipate the subject matter recited in claim 14. Therefore, claim 14 is patentable and should be allowed.

Though dependent claims 2, 3, 6, 63-65, 67, 68 and 114-116 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 14.

Independent claims 19, 32 and 85 claim similar features as claim 14 noted above. For the same reasons stated above with respect to claim 14, *Proctor* cannot be seen to anticipate independent claims 19, 32 and 85. Therefore, these claims are patentable over the cited prior art and should be allowed.

Though dependent claims 69-72, 74, 86-89, 91, 117-126 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable independent claims 32 and 85.

Independent claims 75, 81 and 92 recite an element similar to the above-noted portion of independent claim 14. As a non-limiting example, claim 81 recites in part: "receiving a frame using a second communication mode, **wherein the frame comprises information** and a second portion of signal-coding parameters, **wherein the information indicates that the frame is encoded in accordance with a particular communication mode that involves dropping a first portion of the signal-coding parameters** instead of a first communication mode to reduce bit rate during transmission of said frame." For the same reasons stated above with respect to claim 14, *Proctor* cannot be seen to anticipate independent claims 75, 81 and 92. Therefore, these claims are patentable over the cited prior art and should be allowed.

Though dependent claims 76-78, 82-84, 93-95, 127-141 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable independent claims 75, 81 and 92.

While this Response is deemed to be fully responsive to the objections and rejections in the outstanding Office Action, the Applicants respectfully reserve the right to argue one or more of the dependent claims when responding to any future actions, such as when responding to further Office Actions or in an Appeal Brief.

#### IV. CONCLUSION

The Examiner is respectfully requested to reconsider and remove the rejections of claims 2, 3, 6, 14, 19, 32, 63-65, 67-72, 74-78, 81-89 and 91-95 and to allow all of the pending claims 2, 3, 6, 14, 19, 32, 63-65, 67-72, 74-78, 81-89, 91-95 and 114-141 as now presented for examination. For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Should any unresolved issue remain, the Examiner is invited to call Applicants' agent at the telephone number indicated below.

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